

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

LAYTHRON TILLIS, an individual)	
and ETHEL TILLIS, an individual,)	
)	
PLAINTIFFS,)	
)	
VS.)	1:07CV78-WKW
)	
CECIL E. CAMERON, an individual;)	
HERTZ CLAIMS MANAGEMENT, a)	
foreign corporation; THE HERTZ)	
CORPORATION, a foreign corporation;)	
HERTZ RENT-A-CAR, a foreign corpora-)	
tion,)	
)	
DEFENDANTS.)	

**MOTION FOR EXTENSION OF TIME TO FILE
OPPOSITION TO MOTION FOR SUMMARY JUDGMENT**

COME NOW the Plaintiffs and move this Court for an extension of time to file an opposition to the Motion for Summary Judgment filed by the Defendants Hertz Corporation, Hertz Rent-A-Car, and Hertz Claims Management, (hereinafter collectively referred to as the Hertz Defendants) and in support of this Motion argue as follows:

1. This Court entered, on April 10, 2007, a "briefing order" (Doc. 13) which established general deadlines for the filing of oppositions to dispositive motions. Although Plaintiffs do not dispute that the above-referenced order was served on the Plaintiffs, for whatever reason the order is not in Plaintiffs' file. Subsequent to the issuance of that order, however, the Plaintiffs moved to remand the case, the issue was briefed, and the Court issued a preliminary scheduling order (Doc. 12). The Court later vacated that scheduling order in light of the Motion to Remand. (Doc. 14).

2. Nearly a year later, on April 22, 2008, the Hertz Defendants moved for summary judgment. (Doc. 46).

3. Under the deadlines in the briefing order, Plaintiffs' opposition had to be filed by May 13, 2008.

4. Having not received any other order regarding a deadline for filing any opposition to the Defendants' Motion, not recalling that the briefing order had been issued, not having a copy of it in his file, and with today being the deadline under the Court's scheduling order, undersigned counsel called the Judge's law clerk to inquire about a deadline for opposing defendants' motion, and at that time was told of the briefing order.

5. Counsel for the Plaintiffs understands that he is bound to all orders which the Court issues, but respectfully requests, based on excusable neglect, that he be allowed an additional 21 days from today's date to oppose the Defendants' motion.

6. Counsel for Hertz will not be prejudiced by the granting of this request.

WHEREFORE, for the reasons set out herein, the Plaintiffs move this Court for an extension of time to oppose Defendants' Motion.

/s/Thomas B. Albritton
Thomas B. Albritton (ALB009)
Attorney for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing upon all counsel of record in this cause by electronic service if registered, and if not, then by regular U.S. Mail, postage prepaid, to the following on this, the 14th day of April, 2008:

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/s/Thomas B. Albritton
Of Counsel